

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Chart Riggall	Team: Squad #4	CCRB Case #: 201807434	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 09/07/2018 5:10 PM	Location of Incident: [REDACTED]	Precinct: 84	18 Mo. SOL 3/7/2020	EO SOL 3/7/2020	
Date/Time CV Reported Sat, 09/08/2018 12:36 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 09/08/2018 12:36 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Noyan Francis	09440	960111	084 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Edouardo Stfort	04294	937581	084 PCT
2. POM Ocean Wong	07028	964843	084 PCT
3. POM Junxian Wu	04223	964846	084 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Noyan Francis	Discourtesy: Police Officer Noyan Francis acted discourteously toward § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Noyan Francis	Discourtesy: Police Officer Noyan Francis spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On September 8, 2018, § 87(2)(b) filed this complaint with the CCRB online.

On September 7, 2018, at approximately 5:10 PM, in the vicinity of § 87(2)(b) and § 87(2)(b) Streets in Brooklyn, PO Noyan Francis, PO Ocean Wong, and PO Junxian Wu, all of the 84th Precinct, stopped § 87(2)(b)'s vehicle for being double-parked and failing to signal. PO Francis allegedly threw a PBA card at § 87(2)(b) (**Allegation A: Discourtesy**, § 87(2)(g)) and said, "I don't give a fuck about that" (**Allegation B: Discourtesy**, § 87(2)(g)). PO Francis issued § 87(2)(b) a summons for failure to signal (BR 01).

Body-worn camera footage from this incident was obtained which did not capture the allegations.

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Noyan Francis acted discourteously toward

§ 87(2)(b)

Allegation (B): Discourtesy: Police Officer Noyan Francis spoke discourteously to

§ 87(2)(b)

It is undisputed that § 87(2)(b) was pulled over and issued a summons for failing to signal. It is undisputed that § 87(2)(b) attempted to provide PO Francis with a PBA card and that PO Francis did not accept it. § 87(2)(g)

§ 87(2)(b) It is also undisputed that, after the initial stop, § 87(2)(b) called 911 to report that she was assaulted by PO Francis.

§ 87(2)(b) (BR 02) said that when PO Francis approached her driver's side window, he asked for her license and registration. § 87(2)(b) inquired as to why she had been stopped, and PO Francis repeated his request three or four times without answering her. § 87(2)(b) took "a minute or two" to produce the requested documents, but eventually presented them to PO Francis, along with an SBA card. PO Francis briefly shuffled through the documents, and then flicked the PBA card—as one might deal a playing card—at § 87(2)(b) saying, "I don't give a fuck about that," as he did so. The card struck § 87(2)(b) in the center of her chest. She turned to PO Wu and PO Wong, who were on the passenger's side of the vehicle, and asked them if they had seen this; they responded in the affirmative. The officers then returned to their vehicle.

§ 87(2)(b) then dialed 911, telling the operator that she was assaulted by a police officer. While she was on the phone, PO Wong came back to her car and apologized for PO Francis' behavior, and asked to see the PBA card. § 87(2)(b) provided it to him. Sgt. Eduardo St. Fort, also of the 84th Precinct, responded to the location and spoke with all parties involved. He informed § 87(2)(b) that he would review PO Francis' body-worn camera footage. § 87(2)(b) was informed that she would receive her summons in the mail.

Body-worn camera footage from cameras worn by PO Wong and PO Francis is embedded below. The footage does not capture the beginning of the car stop, including the request for § 87(2)(b)'s documents. The first video shows PO Wong, PO Wu, and Sgt. St. Fort passing the PBA card around and discussing it while PO Francis is writing a summons inside his vehicle. The second shows PO Francis returning to § 87(2)(b)'s vehicle at the conclusion of the stop, saying, "Here's your license, here's your insurance." The camera does not capture what documents PO Francis hands to § 87(2)(b).



PO Wong -- Allegation A.mp4



PO Francis -- Allegation A.mp4

PO Francis (BR 03) said that when he approached § 87(2)(b)'s vehicle, he requested her license and registration at least twice, and she did not provide them. After the second time, she handed him a PBA card. PO Francis said that he did not need this, and repeated his request a third time. § 87(2)(b) insisted that he had to take the PBA card, and PO Francis requested her documentation for a fourth time. He then extended his hand towards her in an attempt to hand the PBA card back to her, but § 87(2)(b) would not take it. He let go of the card and it fell in to her lap. He denied throwing the card at § 87(2)(b) or using any profanity towards her.

PO Wong (BR 04) provided inconsistent testimony regarding the interaction between PO Francis and § 87(2)(b). He initially provided an account consistent with that of PO Francis, saying that PO Francis dropped the card in through the window of the car when § 87(2)(b) refused to take it, before he had obtained her license and registration. When asked if he ever saw the PBA card, PO Wong said that he had, because PO Francis brought it back to their vehicle when he was writing the summons. When asked how PO Francis did this, given that he had dropped the card in to § 87(2)(b)'s car earlier, PO Wong said that this in fact happened at the end of the interaction, when PO Francis returned all of § 87(2)(b)'s documents to her. PO Wong was shown the above clip from PO Francis' camera, but maintained that this was when PO Francis dropped the card, although he added that he could not really see what was going on as he was on the opposite side of the vehicle. He denied witnessing or hearing the actions and statements that § 87(2)(b) alleged.

PO Wu (BR 05) likewise gave an initial account consistent with that of PO Francis. He added, however, that PO Francis had shown him the PBA card during the first encounter between the officers and § 87(2)(b). PO Wu was then shown the above clip from PO Wong's camera. He clarified that this was when he saw the PBA card, while PO Francis was writing the summons, but could not recall how PO Wong came in to possession of it. He denied witnessing or hearing the actions and statements that § 87(2)(b) alleged.

§ 87(2)(b), § 87(2)(g)

[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 06).
- PO Noyan Francis has been a member of service for three years and has not been a subject in any prior CCRB complaints.

Mediation, Civil and Criminal Histories

- § 87(2)(b) was offered mediation and rejected it.

- As of December 4, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (BR 08).

- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date